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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,450	06/05/2001	David E. Allport	ERI604.02US	6282

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DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

NGUYEN, JIMMY H

ART UNIT PAPER NUMBER

2673

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,450

Applicant(s)

ALLPORT, DAVID E.

Examiner

Jimmy H. Nguyen

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 17, 72, 74, 76, 78, 80 and 82-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 83-88 is/are allowed.
- 6) ☒ Claim(s) 17, 72, 74, 76, 78, 80 and 82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2673

DETAILED ACTION

1. This Office Action is made in response to applicant's amendment filed on 08/27/2004.

Claims 1, 17, 72, 74, 76, 78, 80 and 82-88 are currently pending in the application. An action follows below:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 17, 72, 74, 76, 78, 80 and 82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding to these claims, the original disclosure, when filed, does not fairly contain information regarding to the claimed feature, "wherein said first and second system states are configured to enable computing activities by said first and second users via said integrated graphical display", of independent claim 17, last 2 lines. The disclosure, specifically page 8, line 13, only teaches "a display area 20 on the controller allows data to be presented to the user". Accordingly, the original disclosure does not fairly convey to one of ordinary skill in the art that inventor(s) had in their possession the above underlined feature presently recited in independent claim 17.

Claim Rejections - 35 USC § 102

Art Unit: 2673

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 17, 72, 74 and 80 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al. (USPN: 6,484,260 B1), hereinafter Scott.

As per claim 17, the claimed invention reads on Scott as follows: Scott discloses a controller (a portable personal identification device 6, see figs. 1 and 3) comprising a bio-metric input component (a biometric sensor 11, fig. 1, col. 6, line 42) and an integrated graphical display (a LCD 50, fig. 4A, col. 8, lines 19-20). Further, as noting in fig. 4A and at col. 10, lines 6-28, Scott teaches the controller (6) comprising smart cards 54, each storing fingerprint template of a user, so that each user can operate the controller (6) with his smart card, and a plurality of users can operate the same controller (6). Furthermore, as noting in fig. 8 and the corresponding description, Scott teaches how the controller (6) is placed in a state of accessing to host facility (corresponding to the claimed system state and the previous state of the controller by the first user, and the claimed system state and the previous state of the controller by the second user), upon a biometric input of each user. To the extent that, a first user uses a smart card (54), and provides a biometric input into a biometric input component (11), thereby placing the controller in a state of accessing to host facility (this state corresponds to the previous state), and then later, the first user does the same steps again to place the controller also in a state of accessing to host facility (this state corresponds to the current system state which is substantially

Art Unit: 2673

the same or similar to the previous state). Furthermore, Scott also teaches that the controller can be placed in a state configured to enable computing activities such as checking and testing on the verify (see col. 9, line 65 through col. 10, line 4), and displaying data being entered and status signals to the user, via the integrated graphical display (50). In other words, Scott implicitly discloses the limitations recited in the last 12 lines of claim 17. Accordingly, the elements in claim 17 are read in the reference.

Regarding to claims 72, 74 and 80, Scott teaches the biometric input component including a fingerprint sensor, a voice sensor, or any other type of biometric sensor (col. 1, last 2 lines).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 76, 78 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott.

Regarding to these claims, as discussed in the rejection to claims 72, 74 and 80 above, Scott teaches the biometric input component including a fingerprint sensor, a voice sensor, or any other type of biometric sensor (col. 1, last 2 lines). Scott does not expressly teach the biometric inputs being retinal scans recited in claim 76, signature based inputs recited in claim 78, or facial inputs recited in claim 82. However, Official Notice is taken that the biometric sensor for accepting the biometric input being retinal scan, signature based input, or facial input,

Art Unit: 2673

is well known and expected in the art. It would have been obvious to substitute the biometric sensor for accepting the biometric input being retinal scan, signature based input, or facial input, for the biometric sensor of Scott because this would provide the verification or authentication of a user who can't provide a fingerprint or voice print.

Allowable Subject Matter

8. Claims 1 and 83-88 are allowed. It is noted applicants that since claims 83-88 comprise all the claimed limitations of claim 1, these claims are allowed for the same reasons as of claim 1. See the statement of reasons for the indication of allowable subject matter in the last Office action dated 6/29/2004.

Response to Arguments

9. Applicant's argument filed "Scott does not describe or suggest using system states to enable computing activities by the first and second users via the integrated graphical display", see page 9, last paragraph, of the amendment filed on 8/27/2004 with respect to amended independent claim 17, has been fully considered but it is not persuasive. See the detailed rejection above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed **within TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2673

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422.

The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHN
November 16, 2004



Jimmy H. Nguyen
Primary Examiner
Art Unit: 2673